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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11	UNITED STATES OF AMERICA,	)	No. CR 12-0204 MMC
12	Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
13	v.	)	ORDER CONTINUING OCTOBER 31,
14	SAUL SANCHEZ REYES,	)	2012 HEARING DATE TO NOV. 28
15	Defendant.	)	<del>NOVEMBER 21</del> , 2012 AND SETTING
16		)	BRIEFING AND HEARING DATES
		)	AND EXCLUDING ADDITIONAL
		)	TIME FROM OCTOBER 31, 2012 TO
		)	NOVEMBER 21, 2012 28, 2012
		)	

STIPULATION

This Court previously set a briefing schedule based on the agreement of the parties. Effective September 24, 2012, Mr. Reyes's case was transferred from AFD Shaw Halbert to AFD Candis Mitchell (the Substitution of Attorney form has not yet been filed only because Ms. Mitchell does not yet have an ECF password). Further, in preparing its motion, the defense learned that it does not have the audio tape recording of Mr. Sanchez Reyes' immigration hearing that resulted in defendant's removal from the United States, which is directly relevant to defendant's challenge to the removal and which the government will seek to provide. For the above two reasons, the defense requests that the briefing schedule be modified as set out below, with the understanding that the

1 defense will seek to return to court on or before October 17, 2012 if the audio recording of the  
2 immigration hearing contains information that renders the motion moot. The government has no  
3 objection to the modified briefing scheduling in light of the above reasons.

4 The briefing and hearing schedule will be as follows: defendant will file his opening motion on  
5 October 17, 2012; the government will file an opposition on November 7, 2012; the defense will file  
6 a reply on November 14, 2012; the motion will be heard on November 21, 2012 or any date  
7 thereafter convenient to the Court.

8 The parties also agree that the time between October 31, 2012 and November 21, 2012 (or  
9 some date thereafter convenient to the Court) should be excluded under the Speedy Trial Act; the  
10 continuance is necessary for continuity of counsel and effective preparation of counsel, 18 U.S.C. §  
11 3161(h)(1)(D) and (h)(7)(A) and (h)(7)(B)(iv) and for defendant's pending motion as of October 17,  
12 2012, and the ends of justice served by granting such a continuance outweigh the best interests of  
13 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

14 SO STIPULATED.

15  
16 Dated: 9/25/12

MELINDA HAAG  
United States Attorney

17  
18 /s/  
19 J. MARK KANG  
20 Special Assistant United States Attorney

21 Dated: 9/25/12

22 /s/  
23 SHAWN HALBERT  
24 Attorney for Defendant  
25  
26

1 **ORDER**

2 For the reasons stated above, the Court continues the hearing date from October 31, 2012 to  
 3 November 28  
 4 ~~November 21~~, 2012 and sets the motion briefing and hearing date as follows: Defendant will file his  
 5 opening motion on October 17, 2012; the government will file an opposition on November 7, 2012;  
 6 the defense will file a reply on November 14, 2012; the motion will be heard on November 21, 2012.  
 7 November 28

8 IT IS FURTHER ORDERED that the time between October 31, 2012 and ~~November 21~~, 2012  
 9 should be excluded under the Speedy Trial Act; the continuance is necessary for continuity of  
 10 counsel and effective preparation of counsel, 18 U.S.C. § 3161(h)(1)(D) and (h)(7)(A) and  
 11 (h)(7)(B)(iv) and for defendant's pending motion as of October 17, 2012, and the ends of justice  
 12 served by granting such a continuance outweigh the best interests of the public and the defendant in  
 13 a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

14 SO ORDERED.

15  
 16 DATED: September 28, 2012

17   
 18 THE HONORABLE MAXINE M. CHESNEY  
 19 United States District Judge